

MINUTES

Meeting Held In
Governor's Conference Room
State Capitol
Bismarck, North Dakota

November 7, 1977

The North Dakota State Water Commission held a special meeting on November 7, 1977, in the Governor's Conference Room at the State Capitol, Bismarck, North Dakota. Governor-Chairman, Arthur A. Link, called the meeting to order at 9:30 a.m. and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

Arthur A. Link, Governor-Chairman
Richard Gallagher, Vice Chairman, Mandan
Alvin Kramer, Member from Minot
Arthur Lanz, Member from Devils Lake
Arlene Wilhelm, Member from Dickinson
Myron Just, Commissioner, Department of Agriculture, Bismarck
Vernon Fahy, Secretary and State Engineer, North Dakota State
Water Commission, Bismarck

MEMBERS ABSENT:

Gordon Gray, Member from Valley City

OTHERS PRESENT:

Senator Evan Lips, Chairman, Senate Appropriations Committee
Representative Vernon Wagner, Chairman, House Appropriations Committee
Herbert Thorndahl, Bank of North Dakota
Maurice Cook, Bank of North Dakota
William Fritz, Ramsey County Water Management District
Floyd Stromme, Ramsey County Water Management District
F. E. Foughty, Ramsey County Water Management District
Robert Garske, Ramsey County Water Management District
Leo Beauclair, Ramsey County Water Management District
Charles Metzger, Natural Resources Coordinator
Representative Charles Mertens, 15th District
Representative Gordon Berg, 15th District
Senator Kent Jones, 15th District
Richard Hoge, Cavalier County Water Management District
State Water Commission Staff Members
News Media

Attendance Register is on file in the State Water Commission office for the meeting held November 7, 1977 (filed with official copy of minutes).

The proceedings of this meeting were tape recorded to assist in compilation of minutes.

DEVILS LAKE BASIN
CHANNEL "A"
(SWC Project No. 842)

Lake, thus eliminating an agricultural flooding problem. He noted the 18-month study by the Basin Advisory Committee, formed by legislative action, and their recommendations to construct the channel flood control project. He further reviewed the actions taken by the Legislature in 1977 to appropriate \$600,000 in the Commission budget for the project and the subsequent actions by the Cavalier and Ramsey Water Management Districts to secure local financing for the project through the sale of bonds to be paid by special assessments.

Secretary Fahy reviewed the past history of Devils Lake Basin planning and the proposal for Channel "A" to route flood waters directly from Dry Lake to Devils

Secretary Fahy then presented a request by the Water Management Districts involved for the Commission to remit the entire \$600,000 state portion at this time. The request was made because, after the construction of the project had started, a legal action taken by the National Wildlife Federation delayed the sale of revenue bonds and left the local sponsors with no means to make partial contract payments.

Discussions followed regarding legislative intent in the Commission's line item \$600,000 appropriation and other matters pertaining to possible solutions or alternative financing through Bank of North Dakota bonding authority.

Senator Evan Lips and Representative Vernon Wagner reviewed legislative actions and could see no violation of legislative intent if the Commission should approve lump sum payment of the appropriation at this stage of the project.

Other discussions followed regarding legal actions pending and how the local sponsors had initiated the project using proper procedures and authorizations.

It was moved by Commissioner Lanz and seconded by Commissioner Just to authorize the State Engineer to modify the contract for the Commission to participate in the construction of the Channel "A" project in the Devils Lake Basin in order to provide for the payment of up to \$600,000 in advance of the completion of the project as anticipated in the original contract. All members voted aye and the motion carried. A copy of the modified contract is attached hereto and labeled as APPENDIX "A".

The meeting adjourned at 10:45 a.m.


Arthur A. Link, Governor-Chairman

ATTEST:


Vernon Fahy, State Engineer and Secretary

November 7, 1977

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT STATE WATER COMM. MTG.

DATE 11-7-77 PLACE GOVERNOR'S OFFICE

CONFERENCE ROOM PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Vern Fatty	Bism	STATE ENGR
Orlando Wilkins	Dickinson	SWC
Al Kramer	Minn	SWC
Al Daugherty	Mandan	SWC
Myron Jost	Bismarck	Comm of Agr. - SWC
Art Lang	Devils Lake	SWC
Ervin E. Lipp	Bismarck	State Senator
Werner E. Wagner	"	State Rep.
Maurice E. Cook	"	Bank of North Dakota
Wm Fritz	Devils Lake	Running W. Water Board
Floyd Stramm	Devils Lake	" " " "
Charles F. Mentus	Devils Lake	15 th Dis. St. Rep.
Bob Hanske	Webster	BCWMD.
Herb Thomsdal	Bank of North Dakota	Exec
76. Fought	St. Marys County Water Manager	Devils Lake 77-1111

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Richard Hooge	Munch	Cavalier W.M.B.
Kurt Jones	Webster N.D.	Senate Dist. 15
Gordon Berg	Dwight Lake N.D.	Rep. Dist. 15
Charles J. Metzger	Bismarck	Gov's off.
M.G. Laguerre	Bismarck	Asst. A.G. for SWC.
Stephen Hoetzer	Bismarck	NDSWC
David A. Spyniczynski	Bismarck	NDSWC
Leo J. Beauchain	Bismarck	Attorney on Special Appearance FOR Rumsey County Water Management Dist.
Matt Emerson	Bismarck	St. Water Commission
KXMB TV		
KFPR TV		
ASSOC PRESS		

MODIFICATION TO

A G R E E M E N T

Cost Participation By The
North Dakota State Water
Commission for the Construction
of Channel "A" in Ramsey County

THIS MODIFIES the Agreement between the North Dakota State Water Commission, hereinafter referred to as the Commission, acting through the State Engineer, Vern Fahy; the Board of Commissioners, Ramsey County Water Management District, acting through its chairman, Robert Garske; and the Cavalier County Water Management District, acting through its chairman, Wayne Flom.

The last sentence to Article V is hereby deleted.

The last sentence to Article VI is hereby deleted.

A paragraph two is added to Article VII:

"2. The operation of any gate or control structure must be approved by the State Engineer."

DATE:

November 10, 1977

NORTH DAKOTA STATE WATER COMMISSION

By:

Vern Fahy
Vern Fahy
State Engineer and Secretary

DATE:

November 7, 1977

BOARD OF COMMISSIONERS
RAMSEY COUNTY WATER MANAGEMENT DISTRICT
By:

Robert Garske

DATE:

November 8, 1977

BOARD OF COMMISSIONERS
CAVALIER COUNTY WATER MANAGEMENT DISTRICT
By:

Wayne Flom